

Environmental Protection Agency

§ 89.6

faith purchases such new nonroad engine, nonroad vehicle, or nonroad equipment for purposes other than resale.

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Trust Territory of the Pacific Islands.

Used solely for competition means exhibiting features that are not easily removed and that would render its use other than in competition unsafe, impractical, or highly unlikely.

U.S.-directed production volume means the number of nonroad equipment, vehicle, or marine diesel engine units produced by a manufacturer for which the manufacturer has reasonable assurance that sale was or will be made to ultimate purchasers in the United States.

Vessel has the meaning given to it in 1 U.S.C. 3.

[59 FR 31335, June 17, 1994, as amended at 61 FR 52102, Oct. 4, 1996; 63 FR 18998, Apr. 16, 1998; 63 FR 56996, Oct. 23, 1998; 65 FR 73331, Dec. 29, 1999; 67 FR 68339, Nov. 8, 2002]

EFFECTIVE DATE NOTE: At 69 FR 39212, June 29, 2004, § 89.2 was amended by adding a definition for “Sulfur-sensitive technology” in alphabetical order, effective Aug. 30, 2004. For the convenience of the user, the added text is set forth as follows:

§ 89.2 Definitions.

* * * * *

Sulfur-sensitive technology means an emission-control technology that experiences a significant drop in emission-control performance or emission-system durability when an engine is operated on low-sulfur fuel (*i.e.*, fuel with a sulfur concentration up to 500 ppm) as compared to when it is operated on ultra low-sulfur fuel (*i.e.*, fuel with a sulfur concentration less than 15 ppm). Exhaust-gas recirculation is not a sulfur-sensitive technology.

* * * * *

§ 89.3 Acronyms and abbreviations.

The following acronyms and abbreviations apply to part 89.

AECD Auxiliary emission control device
ASME American Society of Mechanical Engineers

ASTM American Society for Testing and Materials
CAA Clean Air Act
CAAA Clean Air Act Amendments of 1990
CI Compression-ignition
CO Carbon monoxide
CO₂ Carbon dioxide
EGR Exhaust gas recirculation
EPA Environmental Protection Agency
FEL Family emission limit
FTP Federal Test Procedure
g/kW-hr Grams per kilowatt hour
HC Hydrocarbons
ICI Independent Commercial Importer
kW Kilowatt
NIST National Institute for Standards and Testing
NMHC Nonmethane hydrocarbon
NTIS National Technical Information Service
NO Nitric oxide
NO₂ Nitrogen dioxide
NO_x Oxides of nitrogen
O₂ Oxygen
OEM Original equipment manufacturer
PM Particulate matter
SAE Society of Automotive Engineers
SEA Selective Enforcement Auditing
SI Spark-ignition
THC Total hydrocarbon
U.S.C. United States Code
VOC Volatile organic compounds

[59 FR 31335, June 17, 1994, as amended at 63 FR 56997, Oct. 23, 1998]

§ 89.4 [Reserved]

§ 89.5 Table and figure numbering; position.

(a) Tables for each subpart appear in an appendix at the end of the subpart. Tables are numbered consecutively by order of appearance in the appendix. The table title will indicate the model year (if applicable) and the topic.

(b) Figures for each subpart appear in an appendix at the end of the subpart. Figures are numbered consecutively by order of appearance in the appendix. The figure title will indicate the model year (if applicable) and the topic.

§ 89.6 Reference materials.

(a) *Incorporation by reference.* The documents in paragraph (b) of this section have been incorporated by reference. The incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be inspected at US EPA, OAR, 1200 Pennsylvania Ave., NW., Washington, DC 20460, or at the National Archives

§ 89.7

40 CFR Ch. I (7–1–04 Edition)

and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(b) The following paragraphs and tables set forth the material that has been incorporated by reference in this part.

(1) *ASTM material*. The following table sets forth material from the

American Society for Testing and Materials which has been incorporated by reference. The first column lists the number and name of the material. The second column lists the section(s) of this part, other than § 89.6, in which the matter is referenced. The second column is presented for information only and may not be all inclusive. Copies of these materials may be obtained from American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

Document number and name	40 CFR part 89 reference
ASTM D86–97: “Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure” ...	Appendix A to Subpart D.
ASTM D93–97: “Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester”	Appendix A to Subpart D.
ASTM D129–95: “Standard Test Method for Sulfur in Petroleum Products (General Bomb Method)”	Appendix A to Subpart D.
ASTM D287–92: “Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products” (Hydrometer Method).	Appendix A to Subpart D.
ASTM D445–97: “Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Viscosity)”.	Appendix A to Subpart D.
ASTM D613–95: “Standard Test Method for Cetane Number of Diesel Fuel Oil”	Appendix A to Subpart D.
ASTM D1319–98: “Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption”.	Appendix A to Subpart D.
ASTM D2622–98: “Standard Test Method for Sulfur in Petroleum Products by Wavelength Dispersive X-ray Fluorescence Spectrometry”.	Appendix A to Subpart D.
ASTM D5186–96: “Standard Test Method for “Determination of the Aromatic Content and Polynuclear Aromatic Content of Diesel Fuels and Aviation Turbine Fuels By Supercritical Fluid Chromatography”.	Appendix A to Subpart D.
ASTM E29–93a: “Standard Practice for Using Significant Digits in Test Data to Determine Conformance with Specifications”.	89.120; 89.207; 89.509.

[59 FR 31335, June 17, 1994, as amended at 63 FR 56997, Oct. 23, 1998]

§ 89.7 Treatment of confidential information.

(a) Any manufacturer may assert that some or all of the information submitted pursuant to this part is entitled to confidential treatment as provided by part 2, subpart B of this chapter.

(b) Any claim of confidentiality must accompany the information at the time it is submitted to EPA.

(c) To assert that information submitted pursuant to this part is confidential, a manufacturer must indicate clearly the items of information claimed confidential by marking, circling, bracketing, stamping, or otherwise specifying the confidential infor-

mation. Furthermore, EPA requests, but does not require, that the submitter also provide a second copy of its submittal from which all confidential information has been deleted. If a need arises to publicly release nonconfidential information, EPA will assume that the submitter has accurately deleted the confidential information from this second copy.

(d) If a claim is made that some or all of the information submitted pursuant to this part is entitled to confidential treatment, the information covered by that confidentiality claim will be disclosed by the Administrator only to